

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3039 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

D P PATEL

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner

Mr. L.R. Pujari, Ld. Govt. Counsel for Respondents.

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 05/12/97

ORAL JUDGEMENT

The Petitioner - Government servant challenges the orders of suspension dated 30-5-86/30-6-86 available at Annexure-H. A reference to the above said orders of suspension would go to show that, two persons namely one Mr. Dalal and the present petitioner who was a junior to said Shri. Dalal were alleged to have been guilty of the offences punishable under sec. 161 IPC and under section 5 (1) (d) of Prevention of Corruption Act, 1947 and under section 165A of IPC. Because of the registration of the offences as indicated above, the present petitioner came to be suspended under the orders at Annexure-H.

Ld. counsel Mrs. K. A. Mehta appearing on behalf of the petitioner presents a certified copy of the orders passed by Ld. Special judge, City Sessions Court, Ahmedabad dated 31st. July 1989 in Special Case No. 11 of 1989, and urges that, the Competent Court had come to the conclusion that even a charge could not be framed against the petitioner. A reference to these orders would indicate that, there was, in opinion of the Ld. Special Judge, no material against the present petitioner even for framing a charge. Ultimately under the said orders the present petitioner came to be discharged.

Looking to this fact situation, it appears that the impugned orders at Annexure-H could not be sustained. The present petition therefore requires to be allowed. The same is hereby accordingly allowed. The orders of suspension Annexure-H are hereby quashed and set aside. Under the interim orders of this Court, the petitioner employee is in service. I would therefore say that the above said suspension order shall not have any effect on the service career of the petitioner. Rule is made absolute accordingly. No costs.

The certified copy of the orders of the City Sessions Judge, Ahmedabad dated 31st. July 1989 being presented by ld. counsel Mrs. Mehta be retained on record.

/vgn.